

REMARKS

Claims 63-68 are pending in this application. By this Amendment, Applicants have amended claims 63-65 and 67. Reconsideration of the above identified application in view of the foregoing amendments and the following remarks is respectfully requested.

Applicants wish to take this opportunity to thank the Examiner for the courtesies extended during a recent telephone interview.

Rejections Under 35 U.S.C. § 102:

In the Office Action, claims 63-68 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,018,652 to Frager et al. ("Frager"). Claims 63, 65 and 67 are independent.

Applicants' invention, as defined by amended claim 63, is directed to a mobile radio terminal comprising:

receiving means for receiving data related to a communication charge from a first carrier;

calculating means for calculating the communication charge for the first carrier in accordance with the data received by said receiving means;

switching means for switching from the first carrier to a second carrier during communication in the first carrier; and

storing means for storing the communication charge calculated by said calculating means, wherein the communication charge is based on the time until the first carrier is switched to the second carrier after the communication is started.

In one exemplary embodiment shown in FIG. 10 and disclosed on p. 26, line 6 - p. 28, line 5 of the instant application, upon successful handover with roaming, processing of communication charges is performed in the mobile terminal-side of a communication system. As

discussed in the above-cited passage, one advantage of the embodiment of FIG. 10 is that “management of communication charges on the side of the radio terminal apparatus can be achieved by managing communication-history information even in a case where handover is performed.” (See p. 28, lines 2-5)

Claim 63 has been amended to recite a “mobile radio terminal” comprising the various means recited in the claim. Applicants respectfully submit that this is a non-narrowing amendment because it is only making explicit what was meant by the phrase “radio communication apparatus” in view of the specification and drawings. As is clear from Applicants’ disclosure, the very nature of the present invention is that all of the claimed means, including, in particular, the “calculating means for calculating a communication charge for the first carrier in accordance with the data received by said receiving means” and the “storing means for storing a communication charge, wherein the charge is based on the time until the first carrier is switched to the second carrier after the communication is started”, reside within a mobile radio terminal. Thus, Applicants respectfully submit that the phrase “mobile radio terminal” is necessary to “give life, meaning and vitality” to claim 63, and thus, although that phrase appears only in the preamble of the claim, it must be given patentable weight. See MPEP, Section 2111.02.

In sharp contrast, the rejection of claim 63 in view of Frager relies on components from both the subscriber-side and the network-side of a communication system, and thus, the mobile radio terminal of claim 63 is neither taught nor suggested by Frager. In Frager, when a subscriber is engaged in a cellular call and is located within the subscriber’s charging area, the subscriber is charged a special charging rate for the call. Otherwise the subscriber is simply charged at a conventional charging rate. In instances where the subscriber is not given the

special rate, however, the system notifies the subscriber that the call is not subject to the special rate and gives him a chance to terminate the call without being charged. For completed calls, the service provider creates a record of the call for billing purposes.

Thus, in Frager, the subscriber's mobile station does not include "calculating means for calculating the communication charge for the first carrier in accordance with the data received by said receiving means", as required by claim 63. Instead, a mobile station in Frager simply receives an alert notification (e.g., a tone or voice message or a data message) from the network concerning the rate. The Office Action cites col. 6, lines 38-48 of Frager for the foregoing feature of claim 63, but the cited passage appears to refer merely to a record of the completion of a call made by the service provider for billing purposes. Moreover, the cited passage of Frager does not disclose a "communication charge", as required by claim 63, and thus, claim 63 is not anticipated by Frager for this additional reason.

Lastly, in Frager, the subscriber's mobile station does not include "storing means for storing the communication charge calculated by said calculating means, wherein the communication charge is based on the time until the first carrier is switched to the second carrier after the communication is started", as further required by claim 63. The Office Action cites col. 6, lines 38-48 of Frager for this feature as well, but, as indicated above, the cited passage refers instead to billing activity performed by the service provider. In short, the cited passage of Frager does not indicate that the mobile station stores a calculated communication charge for a completed portion of a call.

Accordingly, for each of the foregoing reasons, Applicants respectfully submit that claim 63 is neither taught nor suggested by Frager. Applicants further submit that claim 65, which is directed to a "method for a mobile radio terminal", and claim 67, which is directed to a

memory for storing a program for a mobile radio terminal” are allowable for at least the same reasons set forth above in urging the allowance of claim 63.

Dependent Claims:

Applicants do not believe it necessary at this time to address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to address those rejections in the future should such a response be deemed necessary and appropriate.

* * *

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance, and an early and favorable examination on the merits is respectfully requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4604. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4604. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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